THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.11347 of 2000

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Dated: December 8, 2005

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Between:

Smt. Sadanala Lakshmi,

W/o. Late Trinadhulu, Ex-RTC Conductor

E.376088 of NDD Depot, aged about 51 years,

Door No.10-2-18/3, Nidadavole,

West Godavari District.

… Petitioner

And

The APSRTC, rep by its

Managing Director,

Musheerabad, Hyderabad, and two others.

… Respondents

Order:

Petitioner, by this writ petition, seeks Mandamus declaring the action of Respondent No.2 in rejecting her claim for appointment of her son on compassionate grounds vide Proc.No.P3/660(3)/2000-RM-WG, Eluru, dated 03-06-2000, as illegal and arbitrary, and for a consequential direction to the respondents either to consider her son's claim for employment in any suitable post or to pay Additional Monetary Benefit.

2. Petitioner, wife of one Mr. Trinadhulu, Conductor, who died in harness on 15-12-1992 while working at Nidadavole Depot, claims to have made a representation for appointment of her daughter on compassionate grounds on 29-12-1993 followed by another representation on 05-10-1997 to Respondent No. 2, but no action had been taken thereon. It is the case of the petitioner that after her son attained majority, she made another representation for compassionate appointment to her son, but the same was rejected by Respondent No.2, vide proceedings dated 03-06-2000 stating that it is time-barred. Assailing the said proceedings, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents, APSRTC.

4. Learned counsel for the petitioner submits that though the petitioner made representation to respondent No.2 for providing employment to her daughter on compassionate grounds immediately after the death of her husband, he did not pass any orders. He submitted that immediately on her son attaining majority, the petitioner made another representation to provide employment to her son on compassionate grounds, but the same was rejected on the ground that it is time-barred. He submitted that the action of respondent No.2 in not providing employment to her on compassionate grounds nor paying additional monetary benefit in lieu of compassionate employment is illegal and arbitrary.

5. Respondents have filed counter affidavit denying the allegations of the petitioner that she made representation for providing employment to her daughter on compassionate grounds, and stated that when the petitioner submitted an application to Respondent No.2 on
15-02-2000 to appoint her son in any suitable post on compassionate grounds under the Bread Winner Scheme, the same was considered as per the circular instructions in vogue and rejected by proceedings dated 03-06-2000 on the ground that the application was time-barred. Respondents state that by the aforesaid proceedings, the petitioner was also informed that she could claim the Additional Monetary Benefit in lieu of compassionate appointment as the application for compassionate appointment made, was not within three years from the date of death of her husband, the time within which, an application for compassionate appointment has to be

made, in case of death of an employee.

6. Admittedly, an application for compassionate appointment should be made by the family members of a deceased employee within three years from the date of death of that employee. Though the petitioner states that she made application for providing employment to her daughter on compassionate grounds, the same is disputed by the respondents. The representation 15.02.2000, made by the petitioner for providing employment to her son on compassionate grounds, which was made by her on her son attaining majority, was considered by the respondents as per circular instructions in vogue and rejected by proceedings dated 03-06-2000, stating that the petitioner submitted representation requesting to provide employment to her son, after a gap of seven years and 2 months after the date of death of her husband, which representation is supposed to be submitted within three years from the date of death of a deceased employee. Inasmuch as the petitioner is said to have made representation for providing employment to her son on compassionate grounds beyond three years, no exception can be taken to the impugned order passed by the Respondent No.2 refusing employment to her son on compassionate grounds. At any rate, the impugned proceedings, while rejecting the claim of the petitioner for compassionate grounds, it was informed to the petitioner that she could claim Additional Monetary Benefit in lieu of compassionate appointment. Though petitioner was informed by the respondents that she could claim Additional Monetary Benefit in lieu of compassionate appointment, she did not avail the opportunity.

7. At this stage, the learned counsel for the petitioner prayed that the petitioner may be permitted to make representation to the respondents for Additional Monetary Benefit as per the Circulars in vogue. The learned Standing Counsel for the respondents expressed ‘No objection’

8. Therefore, I deem it appropriate to dispose of the writ petition with the following directions. -

The petitioner is directed to make an application to the respondents seeking Additional Monetary Benefit and on such application being made, the respondents shall settle the claim of the petitioner for Additional Monetary Benefit, expeditiously, within a period of three months from the date of such application being made, in accordance with the circular instructions.

9. The writ petition is disposed of with the above directions. No costs.

JUSTICE N.V. RAMANA.

December 8, 2005

MRR